State Hopes New Consultant Can Save Tooele Depot, Jobs

THE ASSOCIATED PRESS

TOOELE ARMY DEPOT — Utah has hired a consultant to help lift Tooele Army Depot's maintenance and supply operations, and nearly 2,200 jobs, from a Pentagon base closure list.

Contract negotiations with the state and Washington, D.C., consultant George Schlossberg are ongoing. But the state and Tooele County have agreed to split the anticipated $100,000 it will cost to have Schlossberg put together a plan to save the depot.

Schlossberg is a former lead counsel with the Department of Defense who worked on base closures before going into private practice and helping save other bases, said Steve Petersen, an aide to Rep. Jim Hansen, R-Utah, who persuaded the state to hire Schlossberg.

Petersen said the consultant knows the staff of the federal Base Realignment and Closure Commission on a first-name basis and "knows what arguments have succeeded in the past."

Schlossberg rescued Fort McClennan in Anniston, Ala., from the last round of closures, Petersen said. The base is back on the recent closure list, however, along with TAD.

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>
> **GEORGE MANTES**
> State Senator From Tooele

Visits to TAD by commission members have been scheduled for April 22 and 24 and a crucial regional commission hearing will be held either April 25 or 26 in Oakland, Calif., Petersen said.

Working under such a tight time frame, it didn't take much convincing that the state needed outside help.

"We had one meeting and we knew we were in over our heads to provide the information [the commission] needs. We need to have an expert who can lead us through this thing," said state Sen. George Mantes, D-Tooele, who is co-chairman of the governor's task force to respond to base closures and defense cutbacks.

A spokesman for the governor's office said the state's share of the consulting bill will come from the $1 million the Legislature appropriated this year to handle defense-related layoffs.

Mantes said Schlossberg has been given the facts and figures on the depot and its economic impact on the community to determine if the state has a case. If Schlossberg believes Tooele has a chance, he will help the state put together a package to persuade the commission to spare the depot.

Mantes is spearheading a fund drive to raise the county's $50,000 share of the consulting bill.

The Pentagon has proposed closing TAD's north area, which maintains Army trucks, locomotives and weapons systems and stores military supplies.

Hansen has said Tooele's strong point is a state-of-the-art vehicle-maintenance facility, which was completed last October at a cost of $112 million to the government. Unlike other states, the Tooele community has also offered little if any protest to the depot storing 42 percent of the nation's chemical arms at the south area, Hansen and Gov. Mike Leavitt have argued.

Utahns Still Must Give Up Most Punitive Damages, Court Affirms

THE ASSOCIATED PRESS

A Utah law requiring winners of punitive damages to turn much of the money over to the state remains constitutional after the U.S. Supreme Court refused to look at a similar Florida law.

The action last week means the Florida law requiring 60 percent of punitive damages to go into state coffers stands as constitutional. Seven other states — including Utah — have similar laws.

Utah's 1991 law requires a person who wins more than $20,000 punitive damages in a lawsuit to give 50 percent of the money to the general fund. In practice, however, the plaintiff actually keeps far less than half.

Punitive damages are seldom awarded in Utah cases, said Jack Helgesen, president-elect of the Utah Trial Lawyers Association. And no money has reached state coffers since the law was passed, said Cheryl May of the state court administrator's office.

Helgesen said the UTLA is opposed to the law and disappointed that the Supreme Court declined to review Florida's statute. However, the Utah attorney general decided the law was "not patently unconstitutional" at the time it passed, said Palmer DePaulis, spokesman for Atty. Gen. Jan Graham.

Under the Utah law, a person who wins punitive damages actually gets to keep about a third of the award, on which he must pay taxes. The attorney typically takes about a third of the money in fees. Under Utah's law, the lawyer gets paid first, then the state takes half the remaining money and the plaintiff gets the rest.

Helgesen said the Utah Trial Lawyers Association believes people won't bring legitimate claims against corporations if they can only keep one-third of punitive damages.

"Laws like these are passed by legislatures who are hungry for money. They will find out that there aren't that many punitive-damages cases in Utah or anywhere else," he said.

Girl Recants, Says She Made Up Story About Kidnapping, Assault

THE ASSOCIATED PRESS

A 12-year-old Magna girl who said she was kidnapped and sexually assaulted on March 26 has told authorities she made up the story.

The Salt Lake County sheriff's office said the girl originally told detectives she was abducted by a man as she walked home from school. She said the man forced her into his car and took her to an old house, where he assaulted her.

She told officers the man dropped her off near Lakeridge Elementary School after he assaulted her.

But Det. Glen Poret said that the girl's story was inconsistent, and detectives again interviewed her.

She recanted Tuesday, said department spokesman Deputy Jim Potter.

Ordinarily, the sheriff wouldn't announce if a victim recanted. However, "the community has been up in arms. We felt there was a need to quell" their fears, Potter said.

Authorities said they couldn't estimate the cost of the investigation, but said they spent many hours investigating the girl's false report.

Entity Representing Mixed-Blood Utes Sues to Get Oil Royalties

THE ASSOCIATED PRESS

The Ute Distribution Corp. (UDC), which represents mixed-blood Utes, has filed a federal court claim for nearly $300,000 against the Ute Indian Tribe over underpaid oil royalties.

The U.S. District Court lawsuit, filed Wednesday, stems from a 1991 audit by the Bureau of Indian Affairs' Minerals Management Service. It found that nearly $549,000 in UDC royalties were mistakenly paid to the eastern Utah tribe.

The royalties were paid by Koch Hydrocarbons Co., Koch Exploration Co. and Koch Oil Co. on 21 oil wells between December 1983 and December 1986, the suit states.

In the summer of 1992, the Koch companies reached a $650,000 settlement with UDC, the tribe and the MMS over allegations the oil producers failed to perform dual accounting on the royalties.

The tribe authorized MMS to transfer $250,000 to UDC as partial restitution of the underpayment, the suit notes.

The UDC suit seeks the remainder of the underpayment, roughly $299,000, plus interest.

The BIA, through MMS, took over accounting responsibility in 1983 for oil royalties paid on Ute reservation wells where UDC and the tribe have shared interests.

The Ute Partition Act of 1954 divided the tribe into "mixed-bloods" and "full-bloods." In 1958, the UDC was created to oversee the oil and mineral rights of mixed-bloods in dealings with the Tribal Business Committee, which represents full-bloods.

Under the act, mixed-bloods receive slightly more than 27 percent of the income and benefits they share with the tribe through UDC dividends.

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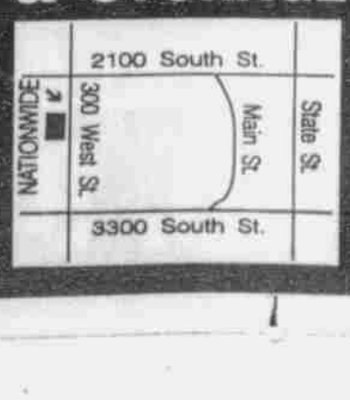

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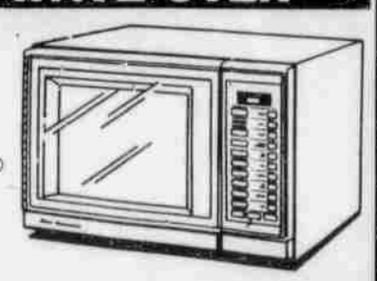

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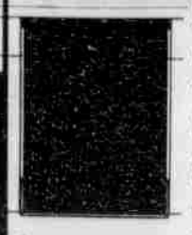

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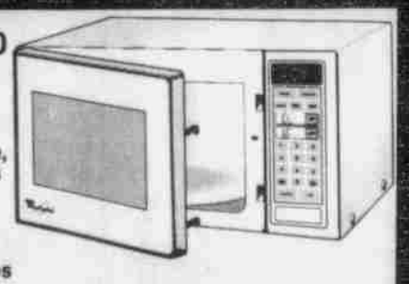

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